

REMARKS

In accordance with the foregoing, claims 1 and 12 have been amended and claims 1-10 and 12-20 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-5, 7-8, 10-16, 18 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent 6,072,759) and Takeshita (U.S. Patent 6,556,524). The applicants respectfully traverse.

Neither Maeda nor Takeshita, alone or in combination, disclose all the limitations of claim 1. For example, the combination of Maeda and Takeshita does not disclose store standard version information indicating at least one factor associated with data recording and/or reproduction prescribed by a manufacturer, and revision information indicating an update to the at least one factor and also prescribed by the manufacturer, wherein the at least one factor comprises a maximum recording speed and the revision information is different from the standard version information. The Examiner admits that Maeda does not disclose all of the limitations of claim 1, but asserts that Takeshita remedies the deficiencies in Maeda. Specifically, the Examiner asserts that Takeshita discloses wherein the at least one factor comprises a maximum recording speed.

Contrary to the Examiner's assertions, Takeshita does not disclose wherein the at least one factor comprises a maximum recording speed. Rather, Takeshita discloses recording data related to an optimum recording speed (col. 10, lines 36-39, 45-47). An optimal recording speed is not the same as a maximum recording speed; a higher recording speed that gives poorer quality results than a lower recording speed will not be judged the optimal recording speed even though the higher recording speed may be the maximum recording speed. In this case, because the lower recording speed is the optimal recording speed, Takeshita discloses that the lower recording speed would be recorded on the optical disk, not the higher (maximum) recording speed. Indeed, Takeshita discloses such an example in FIG. 5C. In that example, the optical disk is capable of receiving recorded data at speeds up to 6x (FIG. 5C). The maximum recording speed would thus be 6x. However, it has been determined that the recording speed of

6x (the maximum recording speed) gives lower quality results than a recording speed of 4x, and thus the recording speed of 4x is the optimal (or recommended) recording speed (col. 9, lines 60-65). It is this recommended speed that is recorded on the optical disk (col. 10, lines 36-39, 45-47), not the maximum speed of 6x that was determined to be non-optimal and therefore not recommended. The example given in Takeshita shows that Takeshita does not disclose wherein the at least one factor is a maximum recording speed. Takeshita therefore does not remedy the deficiencies in Maeda. Accordingly, even if it were proper to combine the disclosures of Maeda and Takeshita, such a combination would not disclose all the limitations of claim 1, and the rejection of claim 1 should be withdrawn.

Claims 2-5, 7, 8, and 10 depend from claim 1. The rejection of these claims should be withdrawn for at least the reasons given above with respect to claim 1.

Claim 12 recites limitations similar to claim 1, and the Examiner rejected claim 12 along similar lines as the rejection of claim 1. The rejection of claim 12 should therefore be withdrawn for at least the reasons given above with respect to claim 1. Claims 13-16 and 18 depend from claim 12. The rejection of claims 13-16 and 18 should be withdrawn for at least the reasons given above with respect to claim 12.

Claim 20 recites limitations similar to claim 1, and the Examiner rejected claim 20 along similar lines as the rejection of claim 1. The rejection of claim 20 should therefore be withdrawn for at least the reasons given above with respect to claim 1.

Claims 6 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent 6,072,759) and Takeshita (U.S. Patent 6,556,524) as applied to claims 1-5, 7-8, 10-16, 18 and 20 above, and further in view of Ohno et al. (U.S. Patent 6,628,602). Claims 6 and 17 depend from claims 1 and 12, respectively. As discussed above with respect to claims 1 and 12, the combination of Maeda and Takeshita does not disclose all the limitations of claims 1 and 12, and Ohno does not remedy these deficiencies. Accordingly, the combination of Maeda, Takeshita, and Ohno does not disclose or suggest all the limitations of claims 6 and 17, and the rejection of claims 6 and 7 should be withdrawn.

Claims 9 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over

Maeda et al. (U.S. Patent 6,072,759) and Takeshita (U.S. Patent 6,556,524) as applied to claims 1-5, 7-8, 10-16, 18 and 20 above, and further in view of Kondo et al. (U.S. Patent 6,600,716). Claims 9 and 19 depend from claims 1 and 12, respectively. As discussed above with respect to claims 1 and 12, the combination of Maeda and Takeshita does not disclose all the limitations of claims 1 and 12, and Ohno does not remedy these deficiencies. Accordingly, the combination of Maeda, Takeshita, and Ohno does not disclose or suggest all the limitations of claims 9 and 19, and the rejection of claims 9 and 19 should be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 8/20/08

By: G. L. Clinton
Gregory L. Clinton
Registration No. 59,134

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510